



Attorney Docket Number 2004367-0034

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Polyurethanes for Osteoimplants

the specification of which:

___ is attached hereto

X was filed on February 4, 2004 as Application Serial No. 10/771,736 and amended on _____ (if applicable).

___ was filed as PCT international application No. _____, on _____ and was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year/Filed)	_____ Yes	_____ No
_____ (Number)	_____ (Country)	_____ (Day/Month/Year/Filed)	_____ Yes	_____ No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

_____	_____	_____
(Application Serial No.)	(filing date)	(status-patented, pending, abandoned)

PCT Applications designating the United States:


_____	_____	_____
(PCT Appl. No.)	(filing date)	(status-patented, pending, abandoned)

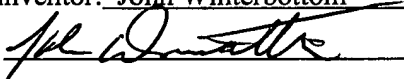
I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

<u>60/444,759</u>	<u>February 4, 2003</u>	<u>Expired</u>
(Application Serial No.)	(filing date)	(status-expired, pending, abandoned)

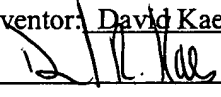
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

- 1) Full name of second inventor: David Knaack
Inventor's signature:  Date: 6/25/04
Mailing Address: 2 Bristel Road, Holmdel, New Jersey 07733-2717
Citizenship: USA
Residence (if different from mailing address): City: Holmdel State: NJ
- 2) Full name of second inventor: John Winterbottom
Inventor's signature: _____ Date: _____
Mailing Address: 11 Ryans Way, Jackson, NJ 08527
Citizenship: USA
Residence (if different from mailing address): City: Jackson State: NJ
- 3) Full name of second inventor: David Kaes
Inventor's signature: _____ Date: _____
Mailing Address: 2198 Old Church Road, Toms River, NJ 08753-8008
Citizenship: USA
Residence (if different from mailing address): City: Toms River State: NJ
- 4) Full name of second inventor: Todd Boyce
Inventor's signature: _____ Date: _____
Mailing Address: 515 Wellington Place, Aberdeen, NJ 07747
Citizenship: USA
Residence (if different from mailing address): City: Aberdeen State: NJ
- 5) Full name of first inventor: Lawrence A. Shimp
Inventor's signature: _____ Date: _____
Mailing Address: 313 Route 79, Morganville, New Jersey 07751
Citizenship: USA
Residence (if different from mailing address): City: Morganville State: NJ

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- 5) Full name of first inventor: Lawrence A. Shimp
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Residence (if different from mailing address): City: Morganville State: NJ



ATTORNEY DOCKET NO.: 2004367-0034

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Knaack, *et al.*

Examiner: To be assigned

Serial No.: 10/771,736

Art Unit: 3738

Filing Date: February 4, 2004

Title: POLYURETHANES FOR OSTEOIMPLANTS

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS

37 CFR § 1.27(c)

SMALL BUSINESS CONCERN

The undersigned hereby asserts entitlement to small entity status as a small business concern under 37 CFR § 1.27(a)(2) on behalf of Osteotech, Inc..

This assertion is made on the ground that Osteotech, Inc. is a concern, as set forth in 13 CFR § 121.802,

(a) whose number of employees, including affiliates, does not exceed 500 persons;
and

(b) that has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR § 1.27, except for licenses permitted under 37 CFR § 1.27(a)(4).

Respectfully Submitted,

Name:

Title:

Date:

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